

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JULIAN A. MILLER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1367-***
)	
COMM. STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, on October 13, 2005, the court entered an order granting plaintiff appointed counsel and referred the matter to the Federal Civil Panel (D.I. 27);

WHEREAS, on December 14, 2006, the court entered an order allowing plaintiff's attorney appointed from the Federal Civil Panel to withdraw from the case (D.I. 68);

WHEREAS, on December 15, 2006, the court entered an order referring the case to U.S. Magistrate Judge Thyng for all pretrial proceedings and served a copy of the order at plaintiff's last known address (D.I. 69);

WHEREAS, on January 18, 2007, the December 15, 2006 order was returned as undeliverable, "return to sender" attempted not known" (D.I. 70);

WHEREAS, on March 5, 2007 and March 9, 2007, the clerk of the court sent letters to plaintiff at his last known address and asked him to provide his current address (D.I. 71, 73);

WHEREAS, on March 22, 2007, the March 5, 2007 letter was also returned (D.I. 72);


WHEREAS, on March 26, 2007, the letters (D.I. 71, 73) were resent to plaintiff at three addresses: one at the Delaware Correctional Center, one provided by plaintiff's former attorney, and one provided by prison officials; .

WHEREAS, the mailed three letters were returned as undeliverable in late March and early April (D.I. 74, 75, 76, 77);

WHEREAS, it has been more than three months since plaintiff took any action in this case;

THEREFORE, at Wilmington this 9 day of April, 2007, IT IS HEREBY ORDERED that:

1. The referral for representation of plaintiff by a member of the Federal Civil Panel is **suspended**.
2. On or before **May 3, 2007**, Plaintiff shall show cause why this case should not be dismissed for failure to prosecute, pursuant to D. Del. LR 41.1.


Honorable Mary Pat Thyng
U.S. Magistrate Judge